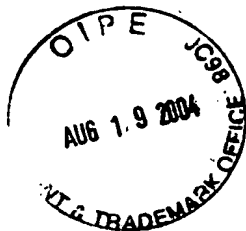


[Signature]

Patent

Attorney Docket No. 034041-005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Amendment

In re Patent Application of

Mark Douglas Howell et al.

Application No.: 10/071,829

Filing Date: February 7, 2002

Title: APPARATUS FOR ENHANCING IMMUNE RESPONSES IN MAMMALS

Group Art Unit: 1641

Examiner: ANN Y LAM

Confirmation No.: 4144

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

on _____,
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

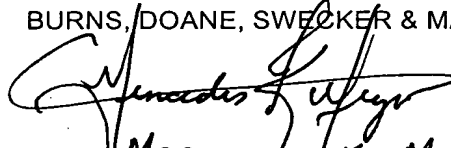
AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	37	MINUS 38 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	3	MINUS 3 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.



By

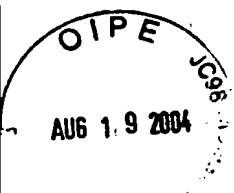
MERCEDES K. MEYER, REG. NO. 44,939

Sharon E. Crane, Ph.D.
Registration No. 36,113



P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: August 19, 2004



Patent
Attorney Docket No. 034041-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop Amendment
Mark Douglas HOWELL et al.)	
Application No.: 10/071,829)	Group Art Unit: 1641
Filed: February 7, 2002)	Examiner: Ann Y. Lam
For: APPARATUS FOR ENHANCING)	Confirmation No.: 4144
IMMUNE RESPONSES IN)	
MAMMALS)	
)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement dated July 19, 2004, Applicants hereby elect, albeit with traverse, the claims of Group I, namely Claims 50-86, directed to an extracorporeal system for further prosecution at this time. Applicants further elect claims including an absorbent matrix (namely, Claims 50-74, 81 and 83-86) and claims wherein the binding partner binds to soluble receptors for TNF α and β .

Initially, Applicants note that the previous Requirement for Restriction in this application, dated April 19, 2004, did not require that Applicants elect a specific binding partner. Applicants previously merely elected an extracorporeal system for reducing the amount of a targeted immune system inhibitor in whole blood, specifically directed to embodiments in which an absorbent matrix is used.

According to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship among the subject matter to which the Examiner requires restriction and election, there would be no serious burden on the Examiner to examine all the claims at this time.

In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (703) 836-6620.

Response To Restriction Requirement

Application No. 10/071,829

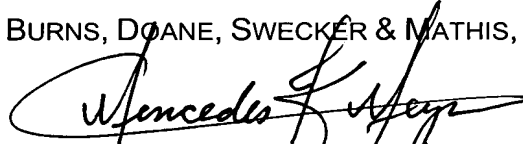
Attorney's Docket No. 034041-005

Page 3

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.



MERCEDES K. MEYER, REG. NO. 44,939

Date: August 19, 2004

By: _____



Sharon E. Crane, Ph.D.

Registration No. 36,113

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620